

REMARKS

This Amendment and Response amends claims 1, 7, 11, 22, 41 and 46 and cancels claims 3-6, 13, 28-40, 42, 47-53 and 56 without prejudice. Claims 1-2, 7-12, 14-27, 41, 43-46 and 54-55 are pending in this application.

I. 35 U.S.C. § 102 Rejections**A. Haselwander**

The Action rejects claims 1, 7-16, 18-20, 28-36, 41, 43-46, 48-49 and 54 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,035,749 to Haselwander. Claims 3-6, 13, 28-36 and 47-49 have been cancelled without prejudice, thereby rendering their rejections moot. Applicants' Assignee respectfully traverses the remaining rejections and requests that they be withdrawn.

Haselwander teaches the shearing of selected pile across of face of pile fabric such as carpet to give a sculptured affect. As pile 10 is moved between nose bar 22 and ledger blade 36, shearing blades 32 which are disposed circumferentially about a rotatably driven cylindrical drum 30 cut or shear the tips or ends of pile 10. Pile 10 is moved through the Haselwander device as a web of carpet. Nowhere in Haselwander is the concept of treating each edge of a flooring module, and only the edges, taught or suggested.

In contrast to the teachings of Haselwander, the present invention relates to a device in which each of the edges of a flooring module are treated in a continuous process. Each edge may be treated because the device comprises, in certain embodiments, the ability to either move

the module or treating unit in two directions (one orthogonal to the other) or to rotate the module or treating unit.

Claims 1 and 54

Claim 1 has been amended to recite a method for imparting a grouted edge appearance to a flooring module having a textile face *wherein the module is moved in a first direction relative to a first shear and in a direction orthogonal to the first direction, or in the same direction after rotating the module* in a mechanically driven continuous process. Haselwander does not teach or suggest a method of imparting a grouted edge appearance in which edges of a flooring module may be treated by either moving the module in two directions (one orthogonal to the other) or by rotating the module. For at least this reason, Haselwander fails to anticipate claim 1, as well as claim 54 which depends therefrom.

Claims 2 and 55

Claim 2 recites a method for imparting a grouted edge appearance to a flooring module having a textile face comprising *conveying the module in a first direction and conveying the module in a direction orthogonal to the first direction, or in the same direction after rotating the module* in a mechanically driven continuous process. Haselwander does not teach or suggest a method of imparting a grouted edge appearance in which edges of a flooring module may be treated by either moving the module in two directions (one orthogonal to the other) or by rotating the module. For at least this reason, Haselwander fails to anticipate claim 2, as well as claim 55 which depends therefrom.

Claims 7-10

Claim 7 has been amended to recite an apparatus for creating a grouted edge appearance on an edge of a flooring module comprising a conveyor which *moves the module or the shear in*

a first direction relative to the other of the shear or the module and in a direction orthogonal to the first direction, or in the same direction after rotating the module or the shear. Haselwander does not teach or suggest an apparatus for creating a grouted edge appearance in which edges of a flooring module may be treated by either moving the module or the shear in two directions (one orthogonal to the other) or by rotating the module or the shear. For at least this reason, Haselwander fails to anticipate claim 7, as well as claims 8-10 which depend therefrom.

Claims 11-12

Claim 11 has been amended to recite an apparatus for creating a flooring module of textile fiber having edges different in appearance from the remainder of the face comprising a conveyor which *moves the module in a first direction relative to a first shear and in a direction orthogonal to the first direction, or in the same direction after rotating the module, relative to a second shear.* Haselwander does not teach or suggest an apparatus for creating a flooring module having edges different in appearance from the remainder of the face in which edges may be treated by either moving the module in two directions (one orthogonal to the other) or by rotating the module. For at least this reason, Haselwander fails to anticipate claim 11, as well as claim 12 which depends therefrom.

Claims 14-21

Claim 14 recites an apparatus for creating a grouted edge appearance on a flooring module having a textile face comprising *a first linearly moving conveyor for advancing the module in a first direction and a second linearly moving conveyor for advancing the module in a direction orthogonal to the first direction, or in the same direction after rotating the module.* Haselwander does not teach or suggest an apparatus for creating a grouted edge appearance in which edges of a flooring module may be treated by either moving the module in two directions

(one orthogonal to the other) or by rotating the module, nor does it teach an apparatus that uses two conveyors to treat each edge of a flooring module. For at least this reason, Haselwander fails to anticipate claim 14, as well as claims 15-21 which depends therefrom.

Claim 22

Claim 22 has been amended to recite a method for imparting a grouted edge appearance to a flooring module having a textile face *wherein the module is moved in a first direction relative to a first shear and in a direction orthogonal to the first direction, or in the same direction after rotating the module* in a mechanically driven continuous process. Haselwander does not teach or suggest a method of imparting a grouted edge appearance in which edges of a flooring module may be treated by either moving the module in two directions (one orthogonal to the other) or by rotating the module. For at least this reason, Haselwander fails to anticipate claim 22.

Claims 23-26

Claim 23 recites a method for imparting a grouted edge appearance to a flooring module having a textile face comprising *conveying the module in a first direction and conveying the module in a direction orthogonal to the first direction, or in the same direction after rotating the module* in a mechanically driven continuous process. Haselwander does not teach or suggest a method of imparting a grouted edge appearance in which edges of a flooring module may be treated by either moving the module in two directions (one orthogonal to the other) or by rotating the module. For at least this reason, Haselwander fails to anticipate claim 23, as well as claims 24-26 which depend therefrom.

Claim 27

Claim 27 recites a method for imparting a grouted edge appearance to a flooring module having a textile face comprising *conveying the module in a first direction and conveying the module in a direction orthogonal to the first direction, or in the same direction after rotating the module* in a mechanically driven continuous process. Haselwander does not teach or suggest a method of imparting a grouted edge appearance in which edges of a flooring module may be treated by either moving the module in two directions (one orthogonal to the other) or by rotating the module. For at least this reason, Haselwander fails to anticipate claim 27.

Claim 41

Claim 41 has been amended to recite an apparatus for creating a grouted edge appearance on a flooring module having a textile face *wherein the module or the treating unit is moved in a first direction relative to the other of the module or the treating unit and in a direction orthogonal to the first direction, or in the same direction after rotating the module or the treating unit*. Haselwander does not teach or suggest an apparatus for creating a grouted edge appearance in which edges of a flooring module may be treated by either moving the module in two directions (one orthogonal to the other) or by rotating the module. For at least this reason, Haselwander fails to anticipate claim 41.

Claim 43

Claim 43 recites an apparatus for creating a flooring module having a textile face comprising *a rotating treating unit that moves to treat each edge of the flooring module* in a mechanically driven continuous process. Haselwander does not teach or suggest an apparatus for creating a flooring module having a rotating treating unit that moves to treat *each* edge of a

flooring module, nor one which treats each edge in a continuous process. For at least this reason, Haselwander fails to anticipate claim 43.

Claim 44

Claim 44 recites an apparatus for creating a flooring module having a textile face comprising *multiple energy sources that simultaneously treat each edge of the module* in a mechanically driven continuous process. Haselwander does not teach or suggest an apparatus for creating a flooring module in which *each* edge of a flooring module is treated simultaneously. For at least this reason, Haselwander fails to anticipate claim 44.

Claim 45

Claim 45 recites an apparatus for creating a flooring module having a textile face comprising *a device for rotating the module 90° such that the energy sources each edge of the module*. Haselwander does not teach or suggest an apparatus for creating a flooring module in which *each* edge of a flooring module is treated, nor an apparatus in which the module is rotated 90° during treatment. For at least this reason, Haselwander fails to anticipate claim 45.

Claim 46

Claim 46 recites an apparatus for creating a flooring module having a textile face comprising *multiple energy sources for simultaneously treating each edge of the module* in a mechanically driven continuous process. Haselwander does not teach or suggest an apparatus for creating a flooring module in which *each* edge of a flooring module is treated simultaneously. For at least this reason, Haselwander fails to anticipate claim 46.

B. Davis

The Action rejects claims 3-5 and 28-36 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,336,289 to Davis. Claims 3-5 and 28-36 have been cancelled without prejudice, thereby rendering these rejections moot.

II. 35 U.S.C. § 103**A. Haselwander**

Claims 2, 22-26, 50-51 and 55 were rejected under 35 U.S.C. § 103 as being unpatentable over Haselwander. Claims 50 and 51 have been cancelled without prejudice, thus rendering these rejections moot. As detailed above, Haselwander does not teach nor suggest the ability to either move the module or treating unit in two directions (one orthogonal to the other) or to rotate the module or treating unit. Indeed, Haselwander is incapable of performing this maneuver which allows each edge of a flooring module to be treated in a continuous process. Thus, it can not anticipate, nor render obvious, the present invention. Applicants' assignee respectfully requests that this rejection be withdrawn.

B. Haselwander in view of Moen

Claims 17, 21 and 27 were rejected under 35 U.S.C. § 103 as being unpatentable over Haselwander in view of Moen. As detailed above, neither Haselwander nor Moen, alone or in combination, teach or suggest the ability to either move the module or treating unit in two directions (one orthogonal to the other) or to rotate the module or treating unit. Thus, they can not anticipate, nor render obvious, the present invention. Applicants' assignee respectfully requests that this rejection be withdrawn.

C. Davis

Claim 13, 47, 52-53 and 56 were rejected under 35 U.S.C. § 103 as being unpatentable over Davis. Claims 13, 47, 52-53 and 56 have been cancelled without prejudice, thus rendering these rejections moot.

PETITION FOR THREE-MONTH TIME EXTENSION

Applicant hereby petitions that the period for responding to the Examiner's Action mailed on October 22, 2004 be extended for three months, up to and including April 22, 2005. The undersigned attorney believes no further fees are due; however, the Commissioner is authorized to debit deposit account no. 11-0855 to the extent necessary if additional fees are due.

CONCLUSION

Applicants' Assignee respectfully submits that claims 1-2, 7-12, 14-27, 41, 43-46 and 54-55 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact Ms. Fienning at 404.532.6938.

Respectfully submitted,



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